

ENVIRONMENTAL ASSESSMENT

MEDICINE LODGE ACCESS EASEMENT

BEAVERHEAD COUNTY

May 2014

Montana Fish, Wildlife & Parks

Region 3 – Bozeman



I. INTRODUCTION

Montana Fish, Wildlife and Parks (FWP) recognizes that public access to wildlife habitat is an important component of a quality recreational hunting experience and essential to wildlife population management. The Medicine Lodge Access Easement represent an opportunity for FWP to work cooperatively with a private landowner and several other partners to secure permanent public access across private lands so that hunters and other recreationists can travel to land owned and managed by the Bureau of Land Management and US Forest Service Beaverhead-Deerlodge National Forest.

II. DESCRIPTION OF PROPOSED ACTION

Montana Fish, Wildlife and Parks proposes to purchase a 30-foot wide permanent road easement which would allow the public to cross 0.66 miles, in three separate road segments, of a private ranch in Beaverhead County. The road easement would be granted by the owners of the Denhan Ranches Incorporated, a long-time ranching family, and the easement would be held by the Bureau of Land Management (BLM). The BLM administers the public land the easement would immediately serve and is adjacent to US Forest Service administered land in the Tendoy and Beaverhead Mountains. In the unlikely event that the BLM would relinquish the road easement, the easements would transfer free of charge to FWP.

The proposed easement roads were used by the public to access the Beaverhead and Tendoy Mountains through landowner permission until 1995 and through the FWP Block Management Program from 1995 through 2011. The landowner opted out of Block Management following the 2011 hunting season and denied hunting season access on ranch roads beginning in 2012. The loss of access came as a surprise to many recreationists, and pressure was directed at public agencies to address the situation. The proposed action would restore public access to two roads in the Medicine Lodge drainage through a cooperative, negotiated process.

The road easement will provide motorized access to Ayers Canyon through 0.16 miles of private road between the Medicine Lodge Road and BLM ownership. The BLM portion of the Ayers Canyon road is currently designated as open year-round. The area is relatively flat, and minor drainage work may be done on a small portion of the BLM ownership to maintain the integrity of the existing road. The BLM will also address travel on a service road for a power line right-of-way by posting signs that it is closed.

The road easement will provide motorized access to Kate Creek through two private road segments of 0.29 and 0.21 miles on the northwest corner of Ellis Peak. The road alternates between BLM and private ownership, and the public portions are designated as Road 70095 on both the BLM and US Forest Service ownership. The US Forest Service and upper BLM portion

of this road system are seasonally accessible by the Sourdough and Bear Canyon road systems located further south in the Tendoy Mountains. The Kate Creek road was historically created by hunters and was used seasonally for hunting access. The road is primitive in nature, consisting of dirt and native rock, and has a steep pitch that makes travel impractical following precipitation events. Typical use has been and would continue to be with 4-wheel drive and off highway vehicles (OHV). It is anticipated that maintenance would be fairly infrequent and relatively light-duty, consisting primarily of smoothing it up with a blade and installing drainage features such as waterbars to facilitate movement of water from eroding the subject road. Occasionally, ruts may create the need for some heavier maintenance to stabilize the road. Signage and the installation of one cattle guard are the only additional planned management activities.

The cost of the road easement is \$33,000 which is a negotiated amount based on similar access transactions completed by FWP. FWP will contribute \$14,000 from the Access Public Land account, and the Rocky Mountain Elk Foundation (RMEF) will contribute \$14,000. Skyline Sportsmen Association and Beaverhead Outdoors may contribute up to \$5,000 pending approval of their respective boards of directors.

FWP and the BLM have structured the transaction and associated activities as a cooperative effort that balances obligations between the agencies. Specific activities identified between the agencies include:

- FWP will obtain all necessary State approvals and complete the environmental assessment process
- FWP and partners will pay the landowner for the road easement
- FWP will pay closing and recording fees associated with the easement purchase transaction
- BLM will prepare an exhibit map of the road easement to FWP for the road easement document
- BLM will conduct an environmental site assessment of the easement area to check for hazardous material, other potential hazards, and a cultural review
- BLM will accept jurisdiction to manage and maintain the condition of the road easement segments.

III. AUTHORITY AND DIRECTION

The Access Public Lands program is funded by hunting license revenues and allows FWP to work with private landowners on a voluntary, cooperative basis to secure public access across private

property (Section 87-1-265 Montana Code Annotated (MCA)). Additional authority for FWP to acquire interests in land is provided by Section 87-1-209, MCA.

IV. LOCATION OF PROJECT

The access projects are located approximately 35 miles southwest of Dillon in the Medicine Lodge drainage (Township 12 South, Range 12 West). The Kate Creek (Ellis Peak) access is two road segments in alternating BLM and private ownership-0.29 miles in Section 26 and 0.21 in Section 24. The Ayers Canyon access is 0.16 miles in Section 23 between the Medicine Lodge Road and BLM ownership through private land. The easement is shown in Figure 1, page 10.

V. PURPOSE, BENEFITS AND NEED FOR THE PROPOSED ACTION

The purpose of the proposed action is to secure permanent legal public access to public land in the Medicine Lodge drainage of Beaverhead County. Such access will benefit the public by providing opportunities for upland bird hunting, big game hunting, wildlife viewing, and other outdoor recreational pursuits in Douglas-fir and sagebrush grassland habitat of southwestern Montana. The proposed action is needed because there are no public use rights on the private portions of the Ayers Canyon or Kate Creek roads.

VI. DESCRIPTION AND DISCUSSION OF ALTERNATIVES TO THE PROPOSED ACTION

1. No-Action Alternative

Under the no-action alternative, FWP would not pursue acquisition of the Medicine Lodge Access Easement. The public and the land management agencies would not have a right to access public land by these routes.

2. Bureau of Land Management Alternatives

Under the BLM alternatives, FWP would not pursue acquisition of the Medicine Lodge Access Easements.

A. BLM to undertake the acquisition directly: The BLM is not currently in a position to acquire the easement directly from the landowner. Current BLM appraisal practices for road easements do not generate sufficient value to interest the landowner in selling the Medicine Lodge Road Access Easement, thus this alternative was not determined to be a viable option and no additional analysis was completed.

B. BLM to construct new access roads on public land only. The BLM analyzed this alternative as part of the Medicine Lodge Watershed EA in 2012. Road construction would require

considerable construction and disturbance over about one mile and traverse some terrain on Ellis Peak as steep as 60%.

VII. EVALUATION OF IMPACTS ON THE PHYSICAL ENVIRONMENT

1. Land Resources

Impact of Proposed Action: There would be minimal impact on land resources because the Ayers Canyon and Kate Creek roads already exist. The proposed easements would be incorporated into existing access alternatives available to the public. The BLM has indicated it will maintain the primitive character of the roads and maintain them only to prevent resource damage. The agency has also committed to signage and to install one cattle guard on the Kate Creek road. Public use would be expected to be in line with historic use levels.

No Action Alternative: There would be no impact to land resources since the road segments would remain under the ranch's ownership and use.

2. Air Resources

Impact of Proposed Action: There would be no impact as historic levels of road use and resultant road dust are anticipated to continue.

No Action Alternative: There would be no impact.

3. Water Resources

Impact of Proposed Action: No adverse impacts to water resources are anticipated. The proposed road easement continues use of existing roads. The BLM has identified small stretches of the Ayers Canyon road and the steep portion of the Kate Creek road for drainage and erosion control work as part of their ordinary maintenance program.

No Action Alternative: There would be no impact.

4. Vegetation Resources

Impact of Proposed Action: There would be minimal impact to vegetation resources as the proposed easement roads already exist. Intermittent infestations of spotted knapweed occur in the area, and there is potential for infestation of new invasive or noxious weeds. The BLM has the personnel and equipment to address weed infestations and will incorporate weed management for the road easement segments into their routine maintenance activities .

No Action Alternative: There would be no impact.

5. Fish and Wildlife Resources

Impact of Proposed Action: There would be a positive impact for access to wildlife resources for the purpose of sport hunting and wildlife management as the project would guarantee public access on a perpetual basis. Elk, mule deer, moose, bighorn sheep, and upland birds are the most abundant species in the Medicine Lodge drainage, and all users of these resources would benefit from additional access and the ability to spread harvest pressure over the landscape.

No Action Alternative: There would be minimal opportunity to participate in sport hunting in the areas the easement roads would serve. Access by foot or horseback is possible but is not likely to achieve adequate dispersal of hunting pressure or harvest to meet population objectives due to difficult terrain and extreme distances from open routes.

VIII. EVALUATION OF IMPACTS ON THE HUMAN ENVIRONMENT

1. Noise/Electrical Effects

Impact of Proposed Action: There would be no impact.

No Action Alternative: There would be no impact.

2. Land Use

Impact of Proposed Action: Land use would be expected to return to 2011 levels in the Ayers Canyon and Kate Creek areas. Traditional camps that utilized Ayers Canyon in the fall would be expected to return and recreational access, mainly in the form of hunting with access by motor vehicle, would be expected to return to 2011 levels. Use in Kate Creek would be expected to be dominated by early fall use as the road is seasonally constrained by steep pitches that make travel difficult when they are wet or snow covered.

No Action Alternative: There would be no impact.

3. Risk/Health Hazards

Impact of Proposed Action: There is inherent risk associated with driving on rural, unimproved roads. The proposed action would generally continue the historic use seen prior to 2012 with regard to the Ayers Canyon and the Kate Creek Roads with some small improvements to address resource damage and drainage work that would maintain the primitive nature of the roads. This system worked for many years and is the nature of many user-created roads that constitute open routes in the Tendoy and Beaverhead Mountains.

No Action Alternative: There would be no change from current conditions.

4. Community Impacts

Impact of Proposed Action: There would be a positive impact from additional public access alternatives in the Medicine Lodge drainage. The hunting public has challenged the various land management agencies to address the access to public land issue as a priority. This project is one of several across the state that are addressing available access opportunity. Hunters come from all over Montana and the United States to enjoy the hunting opportunity in southwest Montana and the Medicine Lodge drainage.

No Action Alternative: There would be no change from current conditions.

5. Public Services/Taxes/Utilities

Impact of Proposed Action: There would be no impact.

No Action Alternative: There would be no impact.

6. Aesthetics/Recreation

Impact of Proposed Action: The proposed easement will secure permanent recreational access in two drainages in the Medicine Lodge. This will have a positive impact on recreational opportunity in the long term. However, the public should recognize that inevitably there will be periods during the hunting season and at other times of the year that snow, moisture, soil, or other conditions make motor-vehicle use of the road easement area (particularly the Kate Creek road) infeasible.

No Action Alternative: There would be no change from current conditions. If the easement is not acquired, the BLM would have the option of constructing public land only access routes. This option is solely within the BLM authority but would require substantial construction across difficult terrain to accomplish.

7. Cultural/Historic Resources

Impact of Proposed Action: Limited ground-disturbing activities will occur on the proposed easement. The BLM will install one cattle guard and evaluate the roads for any necessary drainage or stabilization work necessary to maintain the road and avoid resource damage. The BLM has a legal obligation to evaluate any potential cultural or historic resources prior to such activities.

No Action Alternative: There would be no impact.

IX. SUMMARY EVALUATION OF SIGNIFICANCE

The proposed action of acquiring permanent road easements on three road segments totaling 0.66 miles will have no negative environmental effect on a short-term, long-term, or cumulative basis. Road use and conditions are anticipated to stay at 2011 use levels.

X. EVALUATION OF NEED FOR AN EIS

This environmental assessment (EA) has not identified any significant positive or negative impacts from the proposed action, so an environmental impact statement (EIS) is not required. The EA is the appropriate level of review.

XI. PREFERRED ALTERNATIVE AND PUBLIC INVOLVEMENT

FWP's preferred alternative is to implement the proposed action as described in Section II of this EA. Public comment will be taken from May 9, 2014 through June 9, 2014. Comments may be delivered by email, mail, phone, fax, or in person to:

Montana Fish, Wildlife & Parks
Attn: Medicine Lodge Easement Comments
730 North Montana St.
Dillon, MT 59725

Email: cfager@mt.gov
Fax: 406-683-4126
Phone: 406-683-9305

XII. DECISION-MAKING PROCESS

Within two weeks of the close of the public comment period, the Regional Supervisor of FWP Region 3 (Bozeman) will evaluate the comments and prepare a Decision Notice that reviews and responds to public comments and indicates whether or not FWP should proceed with the proposed action. The Decision Notice will be provided to all persons who commented on the proposal and will be published on the FWP website at <http://fwp.mt.gov/news/publicnotices>

If the Regional Supervisor's Decision notice calls for proceeding with the proposed action, the Medicine Lodge Road Easements would then be scheduled for final consideration at the next regularly scheduled monthly meeting of the Montana Fish and Wildlife Commission. The Commission is the final State decision-making body on this proposal.

XIII. CONTACT INFORMATION FOR PERSONS PREPARING THIS EA

Craig Fager, Wildlife Biologist, 730 North Montana St., Dillon, MT 59725

Phone: 406-683-9305; Email: cfager@mt.gov

Hugh Zackheim, Lands Program Manager, Montana Fish, Wildlife & Parks, Helena

Phone: 406-444-4029; Email: hzackheim@mt.gov

XIV. OTHER GROUPS OR AGENCIES CONTACTED OR WHICH MAY HAVE OVERLAPPING JURISDICTION

Bureau of Land Management, Dillon Field Office, 1005 Selway Dr., Dillon, MT 59725

Figure 1

Proposed Medicine Lodge Access Easement Ayers Canyon and Kate Creek Roads

